

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DAGGETT, KRAEMER, KOVACH & GJELSVIK, ESQS.

328 D Sparta Avenue

Sparta, New Jersey 07871

(973) 729-2117

Attorneys for Plaintiff, Frank Mobilio

FRANK MOBILIO,

*

* Civil No. 2:07-CV-3945

Plaintiff,

*

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vs.

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THE DIVISION OF LAW AND
PUBLIC SAFETY OF THE STATE
OF NEW JERSEY, THE DIVISION
OF NEW JERSEY STATE POLICE,
DETECTIVE LONG, JOHN DOE 1-5
AND MARY DOE 1-5

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Defendant(s).

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**PLAINTIFF'S RESPONSE TO
DEFENDANT'S STATEMENT
OF UNDISPUTED MATERIAL FACTS**

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Denied. (See trial testimony of plaintiff)
7. Denied.. Plaintiff admits that he took both girls by the hand and entered the stadium.
8. Denied.
9. Admitted.
10. Admitted.
11. Denied. (See plaintiff's trial testimony)
12. Denied.

13. Plaintiff states that the thirteen year old had no reason to be uncomfortable since nothing happened.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. Plaintiff makes no statement.

20. Denied.

21. Denied.

22. Denied.

23. Denied.

24. Admitted.

25. Denied.

26. Denied.

27. Admitted.

28. Plaintiff admits that the men were drinking beer but the amount is not correct.

29. See 28.

30. The plaintiff makes no statement concerning this fact.

31. Admitted.

32. Denied.

33. Denied.

34. Admitted.

35. Admitted since the DVD player was not functioning and the plaintiff sat in the back to fix the same.

36. The plaintiff admits that this is part of the reason that he was in the back.
37. Denied.
38. Admitted.
39. Admitted.
40. The plaintiff admits that the DVD was playing a movie.
41. Denied.
42. Denied.
43. Denied.
44. Denied.
45. Denied.
46. Denied.
47. Denied.
48. Denied.
49. Admitted.
50. The plaintiff admits that these facts may have happened but he has no knowledge of them.
51. Admitted.
52. Denied.
53. Denied.
54. Unknown.
55. Denied.
56. Unknown.
57. Unknown.
58. Unknown.
59. Unknown.
60. Unknown.

61. Unknown.

62. The plaintiff denies that there was any type of assault.

63. Unknown.

64. Admitted.

65. Admitted.

66. Admitted.

67. Unknown.

68. Admitted. The plaintiff further states that the jeans were taken to the State police lab, examined, and were negative and were thus inconsistent with the statement given by J.A.

69. Admitted.

70. Admitted.

71. The plaintiff disputes this material fact.

72. Admitted.

73. The plaintiff disputes the fact that Albert Bosma was given his Miranda warnings for any reason other than to intimidate him. Raymond Eagles was not given his Miranda warnings.

74. The plaintiff admits that Albert Bosma gave a statement but that statement was forced out of him by Det. Long (See trial testimony of Albert Bosma, plaintiff's exhibit.)

75. The plaintiff disputes material fact 75 and relies upon the trial testimony of Albert Bosma together with the fact that Detective Long suppressed the lab report and his notes do not indicate any of Bosma's untruthful statements.

76. Admitted.

77. Denied. (See plaintiff's material facts and plaintiff's legal argument).

78. Denied. (See plaintiff's material facts and legal argument).

79. Admitted.

80. Unknown.

81. Unknown.

82. Admitted.

83. Admitted.

84. Admitted.

85. Admitted.

86. Admitted.

87. Admitted.

88. The Court's Order speaks for itself.

89. Admitted.

90. The plaintiff admits that Bosma tried to neutralize his testimony but his trial testimony speaks for itself.

91. Denied. See Bosma's trial testimony.

92. Denied. See Bosma's trial testimony.

93. Admittted.

94. Bosma did testify but see trial testimony.

95. Plaintiff admits that Bosma gave this testimony but disputes it.

96. Admitted.

97. The plaintiff admits that was the testimony of Bosma but his trial testimony is the relevant testimony in connection with the pending motion.

98. The plaintiff admits that Bosma testified to these facts in his deposition but his trial testimony is different.

99. See 98.

100. See 98.

101. See 98.

DAGGETT, KRAEMER, KOVACH& GJELSVIK
Attorneys for Plaintiff

/s/ *George T. Daggett*

BY: GEORGE T. DAGGETT

Dated: April 22, 2009